REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. Claims 1-51, 63-64, and 78-79 have been canceled. Claims 52-53, 65-68, and 80-81 have been amended. Claims 52-62, 65-77, and 80-95 are currently pending in the application.

CLAIM REJECTIONS – 35 U.S.C. §112

In the Office Action, the Examiner rejected claims 82-95 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner contended that the metes and bounds of the recited components were not clear since it was not clear whether the components referred to software or structural elements. This rejection is respectfully traversed.

In claims 82-95, a system is recited. This system comprises a plurality of components, data stores, and a network. In the claims, the structures of the components are set forth using means-plus-function language, which is perfectly permissible under 35 U.S.C. §112, sixth paragraph. Given the current composition of claims 82-95, Applicants respectfully submit that the metes and bounds of the claims are clear. The interaction between the various components is clear, and the functions performed by the various means recited in the various components are clear. It is true that the current language does not specify whether the components are software or structural elements, but Applicants do not believe that such specification is needed (in fact, such a specification is not desired as the claims are intended to cover both hardware and software implementations). There is nothing in the statutes that requires specification of whether a component is a software or a structural element. All that is required is that the claims

particularly point out and distinctly claim the invention. In the current claims, the metes and bounds of the components are particularly and distinctly set forth in the claim language. There is no ambiguity as to how the components interact or what means are comprised within the components. Given the current claim language, one can clearly discern what is encompassed by the claims and what is not (i.e. one can clearly discern the metes and bounds of the claims). That being the case, Applicants respectfully submit that the requirements of 35 U.S.C. §112, second paragraph, are wholly satisfied. Accordingly, Applicants request that this rejection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 52, 53, 60-64, 67, 68, 75-79, 82 and 91 under 35 U.S.C. §102(e) as being anticipated by Akifuji et al. (U.S. Patent No. 6,853,974). Claims 63-64 and 78-79 have been canceled. Independent claims 52 and 67 have been amended to claim the invention more distinctly. With regard to independent claim 82, this rejection is respectfully traversed.

Claim 52

Claim 52 has been amended, and as amended, now recites:

> A method, comprising:
> maintaining, in a first data store, information pertaining to a plurality of instances of a business process, wherein each of the instances of the business process comprises a plurality of activities that need to be performed, and wherein the activities are performed by activity components which are distributed across a network;
> storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of the business process, wherein the second data store can be accessed by a particular activity component to retrieve the particular activity performance request, and wherein the second data store can be accessed by the particular activity component to store a particular message

comprising activity performance information for the particular activity of the particular instance of the business process;

accessing the second data store to obtain the particular message therefrom;

determining that the particular message pertains to the particular activity of the particular instance of the business process; and

updating, in the first data store, information pertaining to the particular activity of the particular instance of the business process to reflect the activity performance information in the particular message. (Emphasis added)

The amendments made to claim 52 are clearly supported by the Specification (see, e.g. page 9, lines 21-23; page 14, line 19 to page 15, line 18; page 17, line 10 to page 18, line 23; Figs. 3-5; etc.).

As amended, claim 52 provides an advantageous method for managing and monitoring the performance of a business process in a system in which the activity components that perform the activities of the business process are distributed across a network. According to the method of claim 52, information pertaining to a plurality of instances of a business process is maintained in a first data store. Each instance of the business process comprises a plurality of activities that need to be performed.

To request that a particular activity of a particular instance of the business process be performed, the method stores a particular activity performance request in a second data store. This second data store can be accessed by a particular activity component to retrieve the particular activity performance request. It can also be accessed by the particular activity component to store a particular message comprising activity performance information for the particular activity. Thus, the particular activity component can retrieve the particular activity performance request from the second data store, perform the requested activity, and store a particular message back in the second store to indicate the status of the activity performance. In this manner, the second data store can be used as a centralized request and message repository to enable activity

components distributed across a network to retrieve activity performance requests and to communicate information pertaining to the performance of the requested activities.

After storing the particular activity performance request in the second data store, the method accesses the second data store to obtain the particular message stored by the particular activity component. This particular message comprises activity performance information for the particular activity (e.g. whether the particular activity was successfully performed, results of the activity performance, etc.). The method determines from the particular message that the message pertains to the particular activity of the particular instance of the business process. Then, the method updates the information in the first data stored pertaining to the particular activity of the particular instance of the business process. Specifically, the method updates the information in the first data store to reflect the activity performance information in the particular message. In this manner, the method causes the particular activity of the particular instance of the business process to be performed by an activity component distributed across a network, and updates the information pertaining to the particular activity to reflect the activity performance information provided by the activity component.

Such a method is neither disclosed nor suggested by Akifuji. Instead, Akifuji discloses a system for monitoring the status of a workflow, and notifying a user when the status of the workflow changes. Specifically, in Akifuji, a status watcher 90 monitors an application database 80 for changes in the attributes of a workflow (see e.g. Col. 5, lines 19-23). If the status watcher 90 detects a change, it informs a workflow engine 100 of the new status of the workflow (see e.g. Col. 5, lines 19-23 and lines 44-49). In response, the workflow engine 100 updates an object in a working data base 50 and provides the object to a resource selector 110 (see e.g. Col. 6, lines 11-19) (note: in Akifuji, the term

resource refers to a user). In turn, the resource selector 110 determines a user to notify regarding the change in status, and provides information pertaining to the user to a notifier 120 (see e.g. Col. 6, lines 23-34). Thereafter, the notifier 120 sends a notification to the in-box of the user (see e.g. Col. 6, lines 49-53). In this manner, the user is notified of the change in the status of the workflow.

A point to note regarding Akifuji is that it is mainly concerned with monitoring a workflow for status change and notifying a user of the status change. Akifuji is not concerned with causing the activities of a workflow to be performed by activity components distributed across a network. Thus, unlike the method of claim 52, there is nothing in Akifuji that discloses or suggests storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of the business process. There is also no mention in Akifuji of a second data store that can be accessed by a particular activity component to retrieve the particular activity performance request. Furthermore, there is no teaching or suggestion in Akifuji of a second data store that can be accessed by the particular activity component to store a particular message comprising activity performance information for the particular activity of the particular instance of the business process. Overall, the focus of Akifuji is quite different from that of claim 52. That being the case, it should come as no surprise that Akifuji does not disclose or suggest as least the above-discussed aspects of claim 52. Since Akifuji fails to disclose or suggest at least one of the aspects of claim 52, Applicants respectfully submit that claim 52 is patentable over Akifuji.

Applicants further submit that claims 53 and 60-62, which depend from claim 52, and which recite further advantageous aspects of the invention, are likewise patentable over Akifuji for at least the reasons given above in connection with claim 52.

Claim 67

Claim 67 is a computer readable medium counterpart of method claim 52. Claim 67 has been amended in a manner similar to that of claim 52. Thus, Applicants submit that claim 67 is patentable over Akifuji for at least the reasons given above in connection with claim 52.

Applicants further submit that claims 68 and 75-77, which depend from claim 67, and which recite further advantageous aspects of the invention, are likewise patentable over Akifuji for at least the reasons given above in connection with claim 67.

Claim 82

Claim 82 recites:

A system comprising:
a control component, a monitoring component, a first data store, a second data store, a first activity component, and a network for communicatively coupling the first activity component with the second data store, wherein
the control component comprises:
means for initiating a first instance of a business process, wherein the first instance comprises a first activity;
means for storing, in the first data store, information pertaining to the first activity of the first instance of the business process;
means for storing a first activity performance request in the second data store, which requests performance of the first activity;
the first activity component comprises:
means for accessing the second data store via the network to obtain the first activity performance request therefrom;
means for performing the first activity in response to the first activity performance request;
means for sending a first performance message via the network to the second data store, wherein the first performance message comprises activity performance information pertaining to the first activity;
the monitoring component comprises:
means for accessing the second data store and obtaining the first performance message therefrom;

means for determining that the first performance message pertains to the first activity of the first instance of the business process; and
means for updating, in the first data store, the information pertaining to the first activity of the first instance of the business process to reflect the activity performance information in the first performance message. (Emphasis added)

Claim 82 recites an advantageous system for implementing a business process using an activity component that is distributed across a network. The system of claim 82 comprises a second data store, a control component, and an activity component. The control component comprises means for storing a first activity performance request in the second data store, which requests performance of the first activity. The activity component comprises means for accessing the second data store via the network to obtain the first activity performance request therefrom, means for performing the first activity in response to the first activity performance request, and means for sending a first performance message via the network to the second data store, wherein the first performance message comprises activity performance information pertaining to the first activity. At least these aspects of claim 82 are not disclosed or suggested by Akifuji.

As discussed previously in connection with claim 52, there is nothing in Akifuji that discloses or suggests storing an activity performance request in a second data store, which requests performance of an activity of an instance of a business process. There is also no mention in Akifuji of an activity component that accesses the second data store to retrieve the activity performance request and to perform the requested activity. Furthermore, there is no teaching or suggestion in Akifuji of an activity component sending a performance message to the second data store, wherein the performance message comprises activity performance information pertaining to the activity that the activity component has performed.

Overall, the system of claim 82 comprises at least several aspects that are not disclosed or suggested by Akifuji. That being the case, Applicants respectfully submit that claim 82 is patentable over Akifuji.

Applicants further submit that claim 91, which depends from claim 82, and which recites further advantageous aspects of the invention, is likewise patentable over Akifuji for at least the reasons given above in connection with claim 82.

CLAIM REJECTIONS – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95 under 35 U.S.C. §103(a) as being unpatentable over Akifuji in view of Official Notice. This rejection is respectfully traversed.

Claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95 depend variously from the independent claims 52, 67, and 82. If it can be shown that the independent claims are patentable over Akifuji and the Official Notice, then it logically follows that claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95, which depend from the independent claims, are likewise patentable over Akifuji and the Official Notice.

As argued above, Akifuji fails to disclose or suggest at least several aspects of the independent claims 52, 67, and 82. These missing aspects are also not disclosed or suggested by the concepts on which Office Notice has been taken. Thus, even if Akifuji were combined with the Official Notice (assuming for the sake of argument that official notice can be properly taken as contended by the Examiner, and that it would have been obvious to combine the concepts on which official notice has been taken with Akifuji), the combination still would not give rise to the invention as claimed in independent

claims 52, 67, and 82. Thus, Applicants respectfully submit that independent claims 52, 67, and 82 are patentable over Akifuji and the Official Notice.

Applicants further submit that claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95, which depend from the independent claims, are likewise patentable over Akifuji and the Office Notice for at least the reasons given above in connection with independent claims 52, 67, and 82.

CONCLUSION

For the foregoing reasons, Applicants submit that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, allowance of all of the pending claims is hereby respectfully solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

Submission date: October 9, 2007 by /BobbyKTruong#37499/